

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

NO. CR04-360-RSL

Plaintiff,

v.

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

ALVIN SHANTEZ POTTS,

Defendant.

An evidentiary hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on June 21, 2010. The United States was represented by Assistant United States Attorney Bruce Miyake, and the defendant by Jay Stansell.

The defendant had been charged and convicted of Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). On or about January 5, 2007, defendant was sentenced by the Honorable Robert S. Lasnik, to a term of 28 months in custody, to be followed by 36 months of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in substance abuse and mental health programs and search.

1 In a Petition for Warrant or Summons, dated June 4, 2010, U.S. Probation Officer
2 Michael Markham asserted the following violations by defendant of the conditions of his
3 supervised release:

- 4 (1) Failing to submit to drug testing on May 13, 24, 26 and June 3, 2010, in
5 violation of the general condition of supervised release.
- 6 (2) Failing to report to the probation office on June 3, 2010, in violation of
7 standard condition #2.
- 8 (3) Failing to submit a monthly supervision report for the month of April 2010.

9 In a Supplemental Violation Report dated June 16, 2010, U.S. Probation Officer
10 Michael Markham asserted the following supplemental violations by defendant of the
11 conditions of his supervised release:

- 12 (4) Using marijuana on or before May 6, 2010, in violation of standard
13 condition #7.
- 14 (5) Using alcohol on or before June 11, 2010, in violation of a special condition
15 of supervised release.

16 On June 14, 2010, defendant made his initial appearance. The defendant was advised
17 the allegations and advised of his rights. On June 21, 2010, this matter came before the Court
18 for an evidentiary hearing. Defendant admitted to violations 1, 2, 3 and 4. Alleged violation 5
19 was dismissed without prejudice by the government.

20 I therefore recommend that the Court find the defendant to have violated the terms and
21 conditions of his supervised release as to violation 1, 2, 3 and 4 and that the Court conduct a
22 hearing limited to disposition. A disposition hearing on these violations has been set before the
23 Honorable Robert S. Lasnik on July 23, 2010 at 10:30 a.m.


24 //

25 //

26 //

1 Pending a final determination by the Court, the defendant has been detained.

2 DATED this 23rd day of June, 2010.

3 
4 JAMES P. DONOHUE
5 United States Magistrate Judge

6
7
8 cc: District Judge: Honorable Robert S. Lasnik
9 AUSA: Bruce Miyake
10 Defendant's attorney: Jay Stansell
11 Probation officer: Michael Markham
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26